

IN RE:
ALBERTO FIGUEROA HERNANDEZ
NILDA I MORALES MORALES

DEBTOR (S)

CASE NO. 10-09058-SEK

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$338,311.00**

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,614.00 Fees paid: \$0.00 Fees Outstanding: \$2,614.00
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With respect to the proposed (amended) Plan dated: **September 30, 2010** (Dkt 2).

Plan Base: **93,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded to pay what it proposes (or needs) to pay [§1325(a)(6)]

The minimum base needed totals approximately \$100,000.00.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor must upload tax returns for the years 2006-2009.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

Debtor has failed to submit the following: 1) A copy of the insurance quote; 2) a certificate of sale tax; 3) Municipal Patent; 4) a list of the inventory; 5) a list of business expenses; as was requested by the Trustee at the 341 Meeting.

- Other/Comments

The 341 Meeting is still open.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this November 24, 2010.

/s/ Jose R. Carrion

/s/ Nannette Godreau -Staff Attorney

JOSE R. CARRION
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